

NOTE: In an effort to ensure that all enforcement efforts are exhausted prior to spending Superfund Trust Fund money, please provide as much information as possible to present a clear picture of the enforcement history at the Site. The responses to the requests below will likely be enforcement-sensitive. Therefore, please provide this information on separate sheets of paper. This will make it easier to redact this information if, e.g., EPA later provides these forms to FOIA requestors, etc.

Date Form Completed: 2/14/2013

General Site Information

| | | | | | |
|-------------------|--------------|--------------------|---|--------|---------|
| Region: | Region 4 | City: | Atlanta | State: | Georgia |
| CERCLIS EPA ID: | TND980559033 | CERCLIS Site Name: | Velsicol Chemical Corp. (Hardeman County) | | |
| Site Charge SSID: | 0475 | | | | |

Enforcement Considerations

(The purpose of these questions below is to help resolve the overall question of whether the project can be financed and conducted by some means other than use of appropriated Fund monies.)

- 1) Identify any PRPs for this project and the basis for their liability. (For example, identify the current owner/operator, then the past owners and operators going back to the time of initial release of hazardous substances. Similarly, identify any generator-PRPs, including any potential Aceto-generators.)

Please see attached sheet.

- 2) Discuss the site's enforcement history. If the Region has previously identified PRPs for this project, then explain why the Region is not ordering the PRP(s) to conduct this project, or even a portion of it (for example, implementation of Institutional Controls by the current owner). Explain the legal theory under which the case team believes the PRP's liability may be limited. Please include information on settlement documents, reservations of rights, etc. providing a clear picture of the enforcement history. [Reminder: Agency policy provides that Regions should issue a UAO whenever settlement negotiations fail unless a concern exists in one or more of the following areas: the PRP's financial viability; the adequacy of evidence of the PRP's liability; the PRP's contribution to the site (e.g., de minimis).]

Please see attached sheet.

- 3) If the Region has already settled with any of the PRPs, then state whether any of the settlement proceeds were deposited into a CERCLA 122(b)(3) special account. For a site where such a special account has been established, please explain why the Region is requesting Fund monies, rather than using the account monies that are earmarked for future work at this site.

Please see attached sheet.

- 4) Has the Region conducted a financial analysis of the identified PRPs? Please provide information relating to this analysis or, if available, the relevant report completed by Industrial Economics.

Please see attached sheet.

- 5) Has the Region pursued the insurance of any identified PRPs?

Please see attached sheet.

- 6) Please provide the name of the legal staffer who is most familiar with the analysis of possible PRP contribution for this project.

Kevin Beswick

Has the Region's legal office approved the Fund-lead designation for this project?

☒ Yes ☐ No

Exemption 5: AWP, AC

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